IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Dhananjay V. Keskar	)	Examiner: Smith, Creighton
	)	
Serial No.: 10/600,209	)	Art Unit: 2614
	)	
Filing Date: 06/20/2003	)	
	)	
For: METHOD, APPARATUS AND SYSTEM	)	
FOR ENABLING CONTEXT AWARE	)	
NOTIFICATION IN MOBILE DEVICES	)	
	)	

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Panel:

In response to the Final Office Action mailed on July 8, 2010, Applicants request

review of the final rejection in the above referenced application. This request is being

filed with a Notice of Appeal. No amendments are filed with the request.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, 4-7, 9, 10, 12-14 and 16-23 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bork et al. (U.S. Patent No. 6,954,657, hereafter "Bork") in view of O'Neill et al. (U.S. Publication 2004/0224693, hereafter "O'Neill"). Applicants respectfully traverse the rejection which failed to meet the prima facie case of obviousness.

To meet the case for a *prima facie* case of obviousness "The Examiner bears the initial burden of **factually supporting** any *prima facie* conclusion of obviousness." It is well established that prima facie obviousness is only established when the prior art reference (or references when combined) teach or suggest **all** the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991) (MPEP 2144) (emphasis added). In the present case, the Office Action failed to establish obviousness with respect to any of the independent claims (Claims 1, 10 and 17), thus also failing to establish obviousness with respect to the dependent claims (Claims 2, 4-7, 9, 12-14, 16 and 18-23).

The Office Action essentially contends that Bork teaches each element of the independent claims with the exception of scheduling information. Instead, the Office Action states that O'Neill describes a "Personal Information Manager" and that "to take a step out of one reference (O'Neill et al.) and place it in Bork et al. would have required no more than common sense from a skill artisan in the wireless communications arts" (Final Office Action, July 8, 2010, Page 2). The Office Action fails, however, to **factually support** how the mere existence of a Personal Information Manager in O'Neill (when combined with the teachings in Bork) renders the claim elements obvious. The claim herein are not directed to the concept of a Personal Information Manager (or scheduler or any type) standing alone. Rather they are directed at the concept of combining the information available from a scheduling mechanism together with a variety of other information and using the information to direct a mobile device.

Applicants respectfully reiterate that the Office Action simply fails to make any showing whatsoever of **all elements** of the claimed invention, and specifically the following:

combining the user's physical context information and the user-specific location and the schedule information to derive user-context information;

combining *user defined preferences if they exist, together with the derived user-context information; and*

directing *the mobile device to modify its behavior based on the results from the combining of the user context information and the user defined preferences if they exist.*

Applicants respectfully submit that merely saying that Bork and O'Neill pertain to mobile devices and as such, it would have been obvious to combine functionality from both is simply inadequate to rise to the level of establishing a *prima facie* case of unpatentability.

CONCLUSION

Applicants respectfully submit that in view of these remarks, the application is in condition for allowance and request prompt action in accordance therewith. If the Panel has any questions, the Panel is encouraged to contact the undersigned at (714)-730-8225. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0221 and please credit any excess fees to such account.

Respectfully submitted,

Customer Number - 59796

Dated: October 7, 2010   /Sharmini N. Green, Reg. No, 41,410/
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<u>Listing of Claims: (as presented in previously filed response dated 12/9/2009)</u>

This listing of claims will replace all prior versions of the claims

1. (Currently amended) A method executed by a processor for enabling <u>personalized</u> user context-aware notification in a mobile device, comprising:

gathering a user's physical context information from one or more sources wherein the user's physical context information includes current environment information for the user;

gathering user-specific location information from one or more sources, wherein the user-specific location includes at least a current location of a user;

gathering schedule information from one or more sources, wherein the schedule information includes a current activity of a user;

combining the user's physical context information and the user-specific location and the schedule information to derive user-context information;

combining user defined preferences, if they exist, together with the derived user-context information; and

directing the mobile device to modify its behavior based on the <u>personalized</u> results <u>specific to the user, the personalized results based on</u> ~~from~~ the combining of the <u>derived</u> user context information and the user defined preferences, if they exist.

2. (Previously presented) The method according to Claim 1 wherein the behavior includes one of disabling the mobile device notification, lowering a volume of the mobile device notification, raising the volume of the mobile device notification, entering a silent mode, entering a vibrate-only mode, emitting a beep from the mobile device, causing a display screen on the mobile device to flash and causing a light emitting diode ("LED") on the mobile device to blink.

3. (Canceled).

4. (Previously presented) The method according to Claim 1 wherein gathering the user's physical context information includes gathering at least one of ambient light information, tactile information, ambient noise information, accelerometer information and orientation information.

5. (Previously presented) The method according to Claim1 wherein gathering user-specific location further includes gathering at least one of a time of day and a date.

6. (Previously presented) The method according to Claim 1 wherein gathering the user's physical context information includes gathering the user context information from at least one of a light sensor, a tactile sensor, an ambient noise microphone, an accelerometer and an orientation sensor.

7. (Previously presented) The method according to Claim 5 wherein gathering schedule information includes gathering information from at least one of a user calendar program and the mobile device.

8. (Canceled)

9. (Previously presented) The method according to Claim 1 wherein the user defined preferences if they exist include at least one of a default set of preferences, a customized set of preferences and a learned set of preferences.

10. (Currently amended) A personalized user context-aware processing apparatus, comprising:

at least one processing module capable of

gathering user physical context information wherein the user's physical context information includes current environment information for the user,

gathering user-specific location information from one or more sources wherein the user-specific location includes at least a current location of a user;

gathering schedule information from one or more sources, wherein the schedule information includes a current activity of a user;

combining the user's physical context information and the user-specific location and the schedule information to derive user-context information;

combining user defined preferences, if they exist, together with the derived user-context information; and

the at least one processing module further capable of directing the mobile device to modify its behavior based on the <u>personalized</u> results <u>specific to the user, the personalized results based on</u> ~~from~~ the combining of the <u>derived</u> user context information and the user defined preferences, if they exist.

11. (Canceled).

12. (Previously presented) The processing apparatus according to Claim 10 wherein the at least one processing module is further capable of gathering at least one of light information, tactile information, ambient noise information, accelerometer information and orientation information.

13. (Previously presented) The processing apparatus according to Claim 10 wherein the at least one processing module is further capable of gathering at least one of a user calendar information, a user location, a time of day and a date.

14. (Previously presented) The processing apparatus according to Claim 10 further comprising at least one of:

a light sensor;

a tactile sensor;

an ambient noise microphone;

an accelerometer; and

an orientation sensor.

15. (Canceled)

16. (Previously presented) The processing apparatus according to Claim 10 wherein the at least one processing module comprises a preprocessing module and a context processing module.

17. (Currently amended) ~~An article comprising a~~ A machine-accessible medium having stored thereon instructions that, when executed by a machine, cause the machine to enable personalized user context-aware notification on the machine by:

gathering a user's physical context information from one or more sources wherein the user's physical context information includes current environment information for the user;

gathering user-specific location information from one or more sources, wherein the user-specific location includes at least a current location of a user;

gathering schedule information from one or more sources, wherein the schedule information includes a current activity of a user;

combin~~e~~ing the user's physical context information and the user-specific location and
the schedule information to derive user-context information;

combin~~e~~ing user defined preferences, if they exist, together with the derived user-
context information; and

direct~~ing~~ the mobile device to modify its behavior based on the <u>personalized</u> results
<u>for the specific user, the personalized results</u> <u>based on</u> of the combining of the
<u>derived</u> user context information and the user defined preferences, if they exist.

18. (Currently amended) The ~~article~~ <u>machine-accessible medium</u> according to Claim
17 wherein the instructions, when executed by the machine, further cause the
machine to direct the mobile device to perform at least one of disabling the mobile
device notification, lowering the volume of the mobile device notification and raising
the volume of the mobile device notification.

19. (Currently amended) The ~~article~~ <u>machine-accessible medium</u> according to Claim
18 wherein the instructions, when executed by the machine, further cause the
machine to gather physical context information and other context information.

20. (Currently amended) The ~~article~~ <u>machine-accessible medium</u> according to Claim
19 wherein the instructions, when executed by the machine, further cause the
machine to gather at least one of light information, tactile information, ambient noise
information, accelerometer information and orientation information.

21. (Currently amended) The ~~article~~ <u>machine-accessible medium</u> according to Claim
19 wherein the instructions, when executed by the machine, additionally cause the
machine to gather at least one of a time of day and a date.

22. (Currently amended) The ~~article~~ machine-accessible medium according to Claim 19 wherein the instructions, when executed by the machine, further cause the machine to gather the user's physical context information from at least one of a light sensor, a tactile sensor, an ambient noise microphone, an accelerometer and an orientation sensor.

23. (Currently amended) The ~~article~~ machine-accessible medium according to Claim 19 wherein the instructions, when executed by the machine, further cause the machine to gather the user schedule information from at least one of a user calendar program and the mobile device.

24. (Canceled)